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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Case No. 14-cr-20529

Plaintiff,

HON. TERRENCE G. BERG
United States District Judge

v.

T. HERBERT FELTON, JR.,

Defendant.

FILED
APR - 5 2017

U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

**Interstate Transportation of Minor to
Engage in Criminal Sexual Activity
18 U.S.C. §2423(a)**

Beginning about May 7, 2014 and continuing until about May 9, 2014, in the Eastern District of Michigan and elsewhere, T. HERBERT FELTON, JR. knowingly transported in interstate and foreign commerce an individual who had not attained 18 years of age, with the intent that such minor individual engage in sexual activity for which T. HERBERT FELTON, JR. could be charged with a criminal offense, that is, criminal sexual conduct second, third and fourth degree, in violation of Michigan Compiled Laws

Sections 750.520c(1)(c), 750.520d(1)(a), and 750.520e(1)(a); all in violation of Title 18, United States Code Section 2423(a).

COUNT TWO
Use of Facility of Interstate Commerce to Entice Minor
18 U.S.C. §2422(b)

Beginning sometime around November 2013 and continuing until about May 9, 2014, in the Eastern District of Michigan, T. HERBERT FELTON, JR., used a facility and means of interstate and foreign commerce, that is a cellular telephone, to knowingly attempt to persuade, induce, and entice any individual who had not attained the age of 18 years to engage in sexual activity for which a person could be charged with a criminal offense under the laws of the State of Michigan, that is, criminal sexual conduct second, third and fourth degree, in violation of Michigan Compiled Laws Sections 750.520c(1)(c), 750.520d(1)(a), and 750.520e(1)(a); all in violation of Title 18, United States Code, Section 2422(b).

COUNT THREE

Manufacturing Child Pornography; 18 U.S.C. §2251

On or about November 13, 2013, in the Eastern District of Michigan and elsewhere, T. HERBERT FELTON, JR., knowingly used, persuaded, and induced a minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, the production of which involved a visual depiction that was produced and transmitted using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce, that is a cellular telephone; and such visual depiction actually having been transported and transmitted in or affecting interstate commerce all in violation of Title 18, United States Code, Section 2251(a).

COUNT FOUR

Receipt of Child Pornography; 18 U.S.C. §2252A(a)(2)

On or about November 13, 2013, in the Eastern District of Michigan, T. HERBERT FELTON, JR., knowingly received child pornography, that had been shipped and transported in or affecting interstate, in violation of Title 18, United States Code, Section 2252A(a)(2).

COUNT FIVE

Manufacturing Child Pornography; 18 U.S.C. §2251

On or about December 2, 2013, in the Eastern District of Michigan and elsewhere, T. HERBERT FELTON, JR., knowingly used persuaded, and induced a minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, the production of which involved a visual depiction that was produced and transmitted using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce, that is a cellular telephone; and such visual depiction actually having been transported and transmitted in or affecting interstate commerce all in violation of Title 18, United States Code, Section 2251(a).

COUNT SIX

Receipt of Child Pornography; 18 U.S.C. §2252A(a)(2)

On or about December 2, 2013, in the Eastern District of Michigan, T. HERBERT FELTON, JR., knowingly received child pornography, that had been shipped and transported in or affecting interstate, in violation of Title 18, United States Code, Section 2252A(a)(2).

COUNT SEVEN

Manufacturing Child Pornography; 18 U.S.C. §2251

On or about December 26, 2013, in the Eastern District of Michigan and elsewhere, T. HERBERT FELTON, JR., knowingly used persuaded, and induced a minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, the production of which involved a visual depiction that was produced and transmitted using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce, that is a cellular telephone; and such visual depiction actually having been transported and transmitted in or affecting interstate commerce all in violation of Title 18, United States Code, Section 2251(a).

COUNT EIGHT

Receipt of Child Pornography; 18 U.S.C. §2252A(a)(2)

On or about December 26, 2013, in the Eastern District of Michigan, T. HERBERT FELTON, JR., knowingly received child pornography, that had been shipped and transported in or affecting interstate commerce, in violation of Title 18, United States Code, Section 2252A(a)(2).

COUNT NINE

Manufacturing Child Pornography; 18 U.S.C. §2251

On or about February 13, 2014, in the Eastern District of Michigan and elsewhere, T. HERBERT FELTON, JR., knowingly used persuaded, and induced a minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, the production of which involved a visual depiction that was produced and transmitted using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce, that is a cellular telephone; and such visual depiction actually having been transported and transmitted in or affecting interstate commerce all in violation of Title 18, United States Code, Section 2251(a).

COUNT TEN

Receipt of Child Pornography; 18 U.S.C. §2252A(a)(2)

On or about February 13, 2014, in the Eastern District of Michigan, T. HERBERT FELTON, JR., knowingly received child pornography, that had been shipped and transported in or affecting interstate, in violation of Title 18, United States Code, Section 2252A(a)(2).

COUNT ELEVEN

Possession of Child Pornography; 18 U.S.C. §2252A(a)(5)(B)

On or about May 8, 2014, in the Eastern District of Michigan, T. HERBERT FELTON, JR., knowingly possessed a LG CDMA Android cellular telephone, that contained images of child pornography, that had been shipped and transported in or affecting interstate, in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

THIS IS A TRUE BILL.

s/FOREPERSON

Dated: April 5, 2017

DANIEL L. LEMISCH
Acting United States Attorney

s/NANCY A. ABRAHAM (P42060)
Assistant United States Attorney
600 Church Street, 2nd Floor
Flint, MI 48502
(810) 766-5034

s/CRAIG F. WININGER
Assistant United States Attorney
Chief, Branch Offices

(Companion Case information MUST be completed by AUSA and initialed.)

United States District Court
Eastern District of Michigan**Criminal Case Cover Sheet**

Case Number 14-cr-20529

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

Companion Case Information

Companion Case Number:

This may be a companion case based upon LCrR 57.10 (b)(4)¹:

Judge Assigned: Berg

☐ Yes☐ No

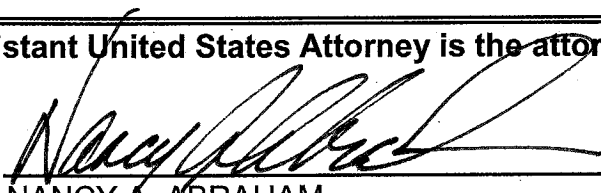
AUSA's Initials: NAA

Case Title: USA v. T. HERBERT FELTON, JR.County where offense occurred : GeneseeCheck One: ☒ Felony☐ Misdemeanor☐ Petty☐ Indictment/ ☐ Information --- no prior complaint.☐ Indictment/ ☐ Information --- based upon prior complaint [Case number:]☐ Indictment/ ☐ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].**Superseding Case Information**Superseding to Case No: 14-cr-20529Judge: Terrence G. Berg☒ Corrects errors; no additional charges or defendants.☐ Involves, for plea purposes, different charges or adds counts.☐ Embraces same subject matter but adds the additional defendants or charges below:Defendant nameChargesPrior Complaint (if applicable)

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

April 5, 2017

Date


 NANCY A. ABRAHAM
 Assistant United States Attorney
 600 Church Street
 Flint, MI 48502
 Phone: 810-766-5177
 Fax: 810-766-5427
 Attorney Bar # P42060

¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.